

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; GUMERSINDO
GOMEZ; FRANK BUNTIN; RAFAEL
RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF CARLOS GONZALEZ

I, Carlos Gonzalez, make the following declaration based on personal knowledge:

1. I was born in New York City, New York. My parents were born in Puerto Rico, and I speak fluent English and Spanish.

2. I am a Latino resident of Springfield and have lived in Springfield since 1996. My current address is 44 Dover Street, which is in Ward 1-C. I am registered to vote in Springfield. Until recently, I voted at the New North Citizen's Council. In 2006, my polling place was changed to the New North Citizen's Day Care Center.

3. I have worked in Springfield for the past 18 years in various jobs, including for the Department of Social Services from 1983-1993, for the Spanish radio station, WSPR, from 1993-1995, and for Mayor Michael Albano from 1996-2002. Since 2003, I have been the President of the Latino Chamber of Commerce in Springfield.

4. For many years, I have been an active participant in Springfield politics and have made efforts to organize and politically educate Springfield's Latino community.

5. I am currently the President of the Latino Chamber of Commerce in Springfield, an organization that I founded in 2003. The mission of the Latino Chamber of Commerce is to help Latino small businesses at various stages of their development.

6. Based on my experiences with the Latino Chamber of Commerce, I believe that the City has not been responsive to the needs of Latino small businesses in the City, while it has been responsive to the needs of other businesses in Springfield. For example, the Latino Chamber of Commerce has requested financial assistance from the Mayor and Control Board. The requested funds, if received, would have been used to educate and assist Latinos who want to start their own businesses, or who want to grow their existing businesses to new levels. I am aware that the City has provided financial assistance to the Greater Springfield Chamber of Commerce. I have been told by City employees that Latino businesses should ask the Greater Springfield Chamber of Commerce for assistance. Historically, however, Latinos have not gone to the Greater Springfield Chamber of Commerce for assistance or services. I attribute Latinos' lack of willingness to seek assistance from the Greater Springfield Chamber of Commerce to language and cultural differences.

7. In 1997, I founded the Western Massachusetts Political Action Committee (the "Western Mass. PAC"). The purpose of the Western Mass. PAC was to provide education regarding voting and the political process to Latinos in Western Massachusetts, to increase Latino voter registration and turnout, and to encourage Latinos to run for political office and develop political clout in Springfield and other areas in Western Massachusetts.

8. From approximately 1997-1999, the Western Mass. PAC organized and put on a “Leadership in Government” program in order to educate Latinos about the political process. The program ran for 5 weeks, and each week we brought in various government officials (including, for example, the Mayor, the police chief, and the head of the Election Commission in Springfield) who explained their positions, their job descriptions, and how to access them. About 25-35 people attended each session.

9. In approximately 1997-1999, the Western Mass. PAC also organized voter registration drives. Over the course of several years, I estimate that the Western Mass. PAC signed up thousands of people to vote.

10. In the years that the Western Mass. PAC did not itself hold a voter registration drive, I was involved in other voter registration efforts with other Latino community leaders who, like me, are concerned about and work to mobilize and organize Latinos in our community. Almost every year that I can remember since 1996, I have participated in a voter registration drive organized either by the Western Mass. PAC, or by other Latino community groups or community leaders.

11. I have frequently participated in “Get Out the Vote” efforts in Springfield’s Latino communities, designed to increase voter turnout on election day. Like the voter registration drives, these “Get Out the Vote” efforts have been led either by the Western Mass. PAC, or by other Latino community groups, or community leaders.

12. Based on my experiences as a member of, and recognized leader in, Springfield’s Latino community, many years of observations of Springfield’s Latino community, my involvement in Springfield politics and government, and many conversations with Latinos in the

Springfield community, I have made the following observations and come to the following conclusions:

(a) I believe that turnout among Latinos would increase if the City were to switch to a system of ward representation for electing members of the City Council and School Committee because Latinos living in predominantly Latino districts would feel like there was someone they could go to who would respond to their particular needs and concerns.

(b) I believe that most Latinos strongly support Latino candidates for City Council and School Committee, but that they feel like voting is a useless exercise because the white voters of the City – who are the most numerous group of voters – generally do not cast votes for Latino candidates.

(c) I believe that Latino turnout in Springfield has been steadily increasing for several years. I believe this because, at one point, I regularly conducted my own Spanish surname turnout analysis. Unfortunately, I no longer have copies of my Spanish surname analysis. But, even with Latino turnout increasing each year, I believe that turnout in predominantly Latino areas of the City is still lower than turnout in predominantly white areas, because Latinos are so discouraged by the current political system, and have faced so many problems related to voting, that it is very difficult to mobilize them to vote. In addition, white voters do not vote for Latino preferred candidates in sufficient numbers, so Latino voters feel that voting is futile.

(d) Latinos in Springfield believe that, in general, white voters are unlikely to cast votes for Latino candidates, and instead generally cast their votes for white candidates.

(e) Latinos in Springfield also believe that Springfield's white voters are comfortable voting for one African American candidate, and one Hispanic candidate for City Council, so long as those candidates do not appear to be advocating too strongly in favor of minorities in Springfield, or take positions that are important to minority communities but not as important to the white community, such as bilingual education. The Latino community does not think that white voters vote for more than one Latino person in any given election contest.

(f) It is a common belief among Latinos in Springfield that they do not have a voice in City government. Latinos also believe that they live in the worst neighborhoods in the City, and that their neighborhoods receive fewer City services than other neighborhoods. A large segment of Latinos in Springfield live in one of the poorest sections of the state, the North End.

(g) The change from busing to neighborhood schools has resulted in many Latinos believing that their only choices are to send their children to some of the worst schools in Springfield.

(h) With regard to education in general, Latinos feel like no one in government is paying attention to educational problems plaguing Latino young people. For example, Latinos in Springfield see that the dropout rate among Latino students is extremely high, and feel efforts being made to address the problem are not decreasing the dropout rate. Part of the problem lies with the fact that there are no Latinos on the School Committee, and no one who understands the Latino community, and its unique needs. If there were a Latino on the School Committee, I believe there would be greater Latino parental involvement in their children's education.

(i) If Latinos felt that they had a voice in City government related to these everyday issues, like education in general, neighborhood schools, police presence, sidewalk repairs, and basic services in their neighborhoods like trash collection and street cleanliness, street and sidewalk repairs, and landscape beautification, I believe that Latinos would be more motivated to vote and to actively participate in the political process.

(j) I have observed that Latino candidates for political office in Springfield, as well as Latino community leaders, will often encourage voters to bullet vote, or use only one or two of their votes in favor of either themselves (in the case of candidates) or in favor of Latino candidates in general. There is a common belief in the Latino community in Springfield that bullet voting, or using fewer than one's total available votes, is the only way to elect candidates who will stand up for issues that are important to the Latino community.

(k) There is a perception and belief in the Latino community that Springfield has significant race divisions. For example, the local newspaper, the Springfield Republican, is available on a website called MassLive.com. MassLive.com posts stories from the newspaper on its website, and for many stories allows people who are users of the site the opportunity to post comments about the stories on the website. I frequently see that people have posted racist comments on the website. For example, in response to articles about the Puerto Rican parade, there were many derogatory comments posted about Puerto Ricans and Hispanics. I have seen comments posted on the website that blame crime on Hispanics in Springfield, and that blame the City's problems on Hispanics.

13. I helped Jose Tosado campaign for City Council, and I also supported Orlando Santiago's campaign for School Committee. When I was campaigning for Tosado, I would sometimes help with "standouts" where several people would stand on a corner at a busy intersection holding signs for Tosado. On several occasions, people driving by in their cars yelled derogatory statements toward the Latino community, and racial epithets, out their windows at our group.

14. In addition to being personally involved in Springfield politics, I was professionally involved in Springfield city government when I worked as assistant chief of staff to Mayor Michael Albano from 1996-2002. As far as I know, I am the first Latino ever to work as an aide to the Mayor of the City of Springfield.

15. When I worked at City Hall, I observed that there was a lack of Spanish speaking City employees. I saw that, as a result, it was often difficult for Latinos with limited English skills to receive the assistance they required at City Hall. I saw many people with limited English skills having such difficulties. Even though it was not part of my job description, I was often taken away from my duties in the Mayor's office to help translate for people with limited English skills.

16. When I worked at City Hall I also noticed that there were very few City Hall employees who lived in Springfield's predominantly Latino neighborhoods. This fact, combined with the lack of Spanish language skills of City employees, I believe made many Latino residents of Springfield uncomfortable seeking assistance or services from the City.

17. I also have observed that the City has done a poor job of using non-English mediums, like Spanish language newspapers or radio, to inform Springfield residents of things

like employment opportunities, programs that benefit business, or things like youth programs and senior services.

18. I have personally experienced problems with voter registration, and I have observed that other Latinos in Springfield have also had problems with voter registration.

19. In 1996, when I moved to Springfield, I registered to vote, and submitted my voter registration paperwork by the deadline. When I tried to vote in the September 1996 primary election, I was told my name did not appear on the registered voter list.

20. In September 2006 when I went to the polls to vote in the primary election, I was told that my name was not on the voter list. I do not know why my name was not on the voter list; I vote in every election, and am conscientious about filling out and returning all voting related forms that I receive from the City. I voted a provisional ballot in the 2006 primary election.

21. When I worked in Mayor Albano's office, I would often receive calls on or after election day from Latino residents who were upset because they tried to vote and were told that they were not on the voter list, even though they thought they had complied with all of the requirements for maintaining one's name on the voter registration list and did not understand why their names were not on the list. In my experience, when people were told they did not appear on the voter list, rarely if ever did the poll workers make an effort to offer those voters provisional ballots. On election day, I would also see this problem in person when I would spend time at the polls as part of my job, or because I was volunteering and taking people to the polls. When I could, I would intervene, and try to either call City Hall myself, or get the poll workers to call City Hall to try to resolve why people's names did not appear on the voter lists because the poll workers themselves rarely, if ever, took the initiative to do so.

22. It is my impression that people being taken off of the voter registration lists either without reason, or for improper reasons, is a chronic problem in Springfield.

23. I have frequently assisted Latino voters with limited English skills on election day, and have observed Latino voters experiencing problems on election day due to a lack of Spanish speaking poll workers.

24. During the November 2005 election, I took several Hispanic voters who could not speak English well to the polls in order to help them vote. These voters called me on the day of the election and asked me to pick them up, take them to the polls, and be their translator. They asked me to translate for them because they had not had Spanish-speaking poll workers at their polling places during past elections.

25. On the day of the November 2005 election, I took at least two Hispanic voters who could not speak English well to the polling place at Kendall Commons, a senior complex. I entered the polling place with these voters and translated the poll worker's questions for the voters. The poll worker asked the voters questions in English like, "What is your name?" and "Where do you live?" I also remember explaining to the voters how to mark the ballot.

26. I did not see or hear any Spanish-speaking poll workers at Kendall Commons. No poll workers offered help in Spanish even though the voters and I were speaking Spanish.

27. During the September or November election in 2005, I took my mother-in-law, Maria Torres, to the Springfield Wesleyan Church on White Street. Maria Torres is Hispanic and she does not speak English well. She was born and educated in Bayamon, Puerto Rico and came to the Continental United States in her twenties.

28. When we got to the polling place, I went with her inside and translated the poll worker's questions and instructions for Maria. I did not see or hear any Spanish-speaking poll

workers there. No poll workers offered help in Spanish even though Maria and I were speaking Spanish. I had to be the translator for Maria.

29. During the primary or presidential election in 2004, I took my mother-in-law, Maria Torres, to the Springfield Wesleyan Church on White Street and served as the translator for her. Again, I did not see or hear any Spanish-speaking poll workers at the site. None of the poll workers offered any help to us in Spanish. I had to be the translator again for Maria.

30. Maria Torres told me that she would not have been able to understand the voting process or cast a ballot without my help in Spanish.

31. In the 1998 or 1999 election, I took an older Hispanic man who could not speak English to vote at the Old City Hall on East Columbus Avenue. I was translating for the man when an older White female poll worker overheard us. The poll worker said, "You can't speak English!" in a rude and degrading way. The poll worker's facial expression appeared to show discontent with having to see someone who does not speak English. This made me feel uncomfortable. There was a Spanish-speaking poll worker who overheard this comment, looked over and said to me, "She is a racist old woman."

32. When I take voters to the polls and translate for them, I don't care who they vote for as long as they vote. I don't get paid to do this work.

33. From 1996 to 2002, I worked as Assistant Chief of Staff to Mayor Mike Albano. In that position, I worked as the Mayor's liaison to Wards 1 and 3 and helped the Mayor deal with issues related to these communities.

34. During this time, I also helped the Mayor's Office with voting matters. Before an election, I would answer telephone calls from voters and give them information like where to register to vote or how to register to vote. After an election, I would answer telephone calls from

voters who had complaints. I remember getting many phone calls from Hispanic voters who could not speak English well complaining that they did not get the assistance in Spanish that they needed at the polls.

35. I let the City's Election Commission know of these complaints. However, after each election, from 1996 to 2002, I continued to receive many of the same complaints, including voters complaining about the lack of help in Spanish at the polls.

36. In approximately 1999, I spent election day taking Hispanic voters who did not speak English well to the polls and translating for them. At one point in the day, I took a Hispanic woman who could not speak English well to Precinct 1A. I followed her into the polling place and started to translate the poll worker's questions for the voter. A white male police officer at Precinct 1A then came up to me and told me that I could not help the voter. I told him that I could do it if the voter wanted my help. The Warden at the polling place then asked the voter in English whether the voter wanted my help. I translated the question for the voter, and the voter responded in Spanish that she did want my help. I told the Warden and the police officer that the voter said that she wanted my help. The police officer then told me that I was not going to be allowed to help the voter. I left the polling site without being allowed to help the voter. The voter was left to vote without my help. I reported this incident to the Mayor and the Election Commission. The following year, the Election Commission gave me a copy of the statute providing for the right of voters to receive help from whoever they wanted. This was in English only. I was informed by Commissioner Brian Santinello that wardens would be instructed to tell poll workers that voters had this right.

37. When I was at Precinct 1A during the same time in approximately 1999, there was also a Hispanic man who did not speak English well. This voter asked me in Spanish to help

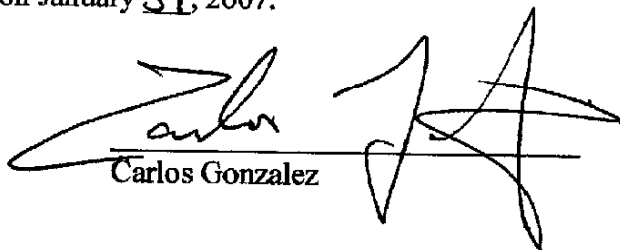
him but the police officer did not allow me to assist. The Hispanic voter became frustrated and shouted in Spanish, "I'm leaving and I'm never voting again." After this incident, I let Jim Sullivan, the City's Election Commissioner, know what happened at Precinct 1A.

38. Based on my experiences within the Hispanic community in Springfield, I believe that more Hispanics would vote if there were more Spanish-speaking poll workers. I believe that there are many voters, like the one mentioned above, who have been turned off from voting and who don't do it anymore because they have not been able to get help in Spanish from poll workers.

39. There is a need for Spanish-speaking poll workers throughout the city because there are high concentrations of Puerto Ricans who don't speak English well and they live throughout Springfield.

40. Because of the similarity of problems regarding the lack of language assistance for Spanish-speaking voters that keep happening year after year, all the elections seem the same to me.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. Executed on January 31, 2007.


Carlos Gonzalez

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 5, 2007.

/s/ Paul E. Nemser, Esq.